

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DISTRICT**

<b>IN RE:</b>	)	
	)	
<b>MILLENNIUM MULTIPLE</b>	)	<b>Chapter 11</b>
<b>EMPLOYER WELFARE BENEFIT</b>	)	<b>(W.D. Oklahoma Bankruptcy --</b>
<b>PLAN,</b>	)	<b>Case No. 10-13528)</b>
	)	
<b>Debtor.</b>	)	

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<b>GARY A. PASSONS, M.D., GARY A</b>	)	
<b>PASSONS, M.D., P.C., ANANT V. SHAH,</b>	)	
<b>M.D., ANANT V. SHAH, M.D., P.C., PAUL</b>	)	
<b>A. HATCHER, M.D., UROLOGY AND</b>	)	
<b>UROLOGICAL SURGERY, P.C., f/k/a</b>	)	
<b>PAUL A. HATCHER, M.D., P.C.,</b>	)	
<b>RODERICK GIVENS, SOUTHERN</b>	)	
<b>HEALTHCARE PROVIDERS, P.A.,</b>	)	
<b>AARON WILLIAMS, DWIGHT E.</b>	)	
<b>HARDING, D.D.S., CHARLOTTE</b>	)	<b>Case No. 3:10-CV-00575</b>
<b>HARDING, DWIGHT E. HARDING,</b>	)	
<b>D.D.S., P.A., WILLIAM M. LOCANTE,</b>	)	<b>JUDGE ROBER ECHOLS</b>
<b>D.D.S., WILLIAM M. LOCANTE, D.D.S.,</b>	)	
<b>P.C., WILLIAM E. WOLF, D.D.S.,</b>	)	<b>MAGISTRATE JUDGE JOHN S.</b>
<b>WILLIAM E. WOLF, D.D.S., P.C.,</b>	)	<b>BRYANT</b>
<b>WOLF MANAGEMENT, INC.,</b>	)	
<b>MICHELLE G. JOHNSON, D.D.S., M.S.,</b>	)	
<b>MICHELLE G. JOHNSON, D.D.S., M.S.,</b>	)	
<b>P.C., FRANKLIN CLARK, D.D.S.,</b>	)	
<b>FRANKLIN CLARK, D.D.S., P.C.,</b>	)	
<b>DAVID M. TURNER, M.D., DAVID</b>	)	
<b>M. TURNER, M.D., P.C., CHRIS GETMAN</b>	)	
<b>AND GETMAN ORTHODNICS, P.C.</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>vs.</b>	)	
	)	
<b>AVIVA LIFE AND ANNUITY COMPANY,</b>	)	
<b>f/k/a INDIANAPOLIS LIFE INSURANCE</b>	)	
<b>COMPANY, AMERICAN GENERAL LIFE</b>	)	
<b>INSURANCE COMPANY, DAVID CLINE,</b>	)	
<b>INC., DAVID H. CLINE, INC., DAVID</b>	)	
<b>CLINE, SIDNEY GOLDSTEIN, MORRIS</b>	)	

<b>GOLDSTEIN, GOLDSTEIN AND</b>	)
<b>ASSOCIATES, P.C., THE MILLENNIUM</b>	)
<b>MULTIPLE EMPLOYER WELFARE</b>	)
<b>BENEFIT PLAN, SCOTT RIDGE, RIDGE</b>	)
<b>INSURANCE, INC., SECUREPLAN</b>	)
<b>ADMINISTRATORS, LLC, REPUBLIC</b>	)
<b>BANK &amp; TRUST, MICHAEL E LLOYD,</b>	)
<b>WILLIAM COULSON LLOYD</b>	)
<b>PARKER &amp; TEDESCO, LLC,</b>	)
<b>Defendants.</b>	)

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**JOINDER IN AND CONSENT TO REMOVAL AND  
STATEMENT PURSUANT TO FED. R. BANKR. PROC. 9027(e)(3)**

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Aviva Life and Annuity Company (f/k/a Indianapolis Life Insurance Company) an Iowa corporation ("Aviva"), for its Joinder In and Consent to Removal and Statement Pursuant to Fed. R. Bankr. Proc. 9027(e)(3) states as follows:

1. Pursuant to 28 U.S.C. 1452 and Fed.R.Bankr.Proc. 9027, Aviva hereby joins in and consents to the removal by the Millennium Multiple Employer Welfare Benefit Plan (the "Debtor") of the entirety of any and all claims, counter-claims, cross-claims and causes of action asserted in the civil action pending in the Chancery Court of Davidson County, Tennessee, Cause No. 10-7-I, styled, *Gary A. Passons, M.D., et al. v. Aviva Life and Annuity Company, f/k/a Indianapolis Life Insurance Company, et al.* (the "State Court Lawsuit").

2. Pursuant to Bankruptcy Rule 9027(e)(3), Aviva states the proceeding has core and non-core matters. To the extent any claim, counter-claim, cross-claim or cause of action asserted in that the State Court Lawsuit is determined to be non-core, Aviva does not consent to the entry of final orders or judgments by the Bankruptcy Court.

**WHEREFORE**, Aviva hereby joins in and consents to the removal any and all claims, counter-claims, cross-claims and causes of action asserted in the civil action pending in the

Chancery Court of Davidson County, Tennessee, Cause No. 10-7-I, styled, *Gary A. Passons, M.D., et al. v. Aviva Life and Annuity Company, f/k/a Indianapolis Life Insurance Company, et al.*

Dated: June 24, 2010

Respectfully submitted,

HARWELL HOWARD HYNE  
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s/ Alexandra Coulter Cross  
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ATTORNEYS FOR DEFENDANT  
AVIVA LIFE AND ANNUITY COMPANY

**CERTIFICATE OF SERVICE**

I hereby certify that I have on this day, filed electronically via CM/EMF a true copy of the within and foregoing Joinder in and Consent to Removal and Statement Pursuant to Fed. R. Bankr. Proc. 9027(e)(3), with notice of same being electronically served by the Court, addressed to the following:

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